

REMARKS

A. Restriction Requirement

The present application was subjected to a restriction requirement under 35 U.S.C. 121. Applicant hereby confirms the provisional election without traverse made by the attorney of record as set forth in the office action. Applicant has canceled the claims directed to the non-elected invention without prejudice or disclaimer for prosecution in a divisional application.

B. Outstanding Action

Claims 1-4, 6-9, 12, 17-19, 21 and 22 were rejected under 35 U.S.C. 102(b) as being anticipated by Pelton et al. (4,293,353).

Claims 1-4, 6-9, 12-19, 21 and 22 were rejected under 35 U.S.C. 102(b) as being anticipated by Giggard (4,185,758).

Claims 1-4, 6-9, 12-13, 17-19, 21 and 22 were rejected under 35 U.S.C. 102(b) as being anticipated by Kain (3,940,026).

Claims 13-16 were rejected under 35 U.S.C. 103(a) as being unpatentable over Pelton et al. in view of Giggard.

C. Status Of Claims

Claims 1-34 were pending in the application prior to the instant Amendment.

Claims 5, 10, 11, 20 and 23-34 have been canceled without prejudice or disclaimer.

Claims 35-37 have been added.

Claims 1-4, 6-9, 12-19 and 21-22 and 35-37 are now pending.

D. Amended Claims

Claims 1-4, 6-9, 12-19 and 21-22 were rejected under 35 U.S.C. 102(b) or 35 U.S.C. 103(a) under various combinations of Pelton et al. (4,293,353), Giggard (4,185,758) and Kain (3,940,026).

Applicant has amended independent claim 1 to more particularly point out and distinctly claim the subject matter of the invention. More specifically, claim 1 has been amended to recite an improved mounting cup for mounting an aerosol valve for dispensing an aerosol product from a collapsible container within an aerosol container. The improved mounting cup comprises a peripheral rim located in proximity to an outer periphery of the mounting cup for sealing the mounting cup to the aerosol container. The peripheral rim has an interior region integrally supported by a sidewall of the mounting cup. A turret is located in proximity to an inner periphery of the mounting cup for receiving the aerosol valve for dispensing the aerosol product from the collapsible container. A mounting surface is located in the sidewall of the mounting cup intermediate the peripheral rim and the turret for securing the collapsible container to the mounting cup. The mounting surface is located radially inwardly relative to the interior region of the peripheral rim of the mounting cup and radially outwardly from a turret of the mounting cup.

The cited prior art does not disclose, suggest or teach a mounting surface as clearly defined in claim 1.

Claims 2-4, 6-9 and 12-16 are dependent upon claim 1 and should be allowable upon allowance of claim 1.

Applicant has amended independent claim 17 to more particularly point out and distinctly claim the subject matter of the invention. More specifically, claim 17 has been amended to recite an improved aerosol dispenser for dispensing an aerosol product under pressure from an aerosol

propellant. The improved aerosol dispenser comprises an aerosol container for containing the aerosol propellant. An aerosol valve is mounted to a mounting cup. The mounting cup is sealed to the aerosol container. The mounting cup has an integral sidewall extending generally parallel to an axis of symmetry of the mounting cup. A recess is formed in a sidewall of the mounting cup for providing a mounting surface for securing a collapsible container to the mounting cup. The collapsible container extends within the aerosol container and for enabling the aerosol propellant to apply pressure to the collapsible container for dispensing the aerosol product through the aerosol valve.

The cited prior art does not disclose, suggest or teach a mounting surface as clearly defined in claim 17.

Claim 18 is dependent upon claim 17 and should be allowable upon allowance of claim 17.

E. New Claims

Applicant has added new independent claims 35-37. New independent claims 35-37 set forth the mounting surface to distinguish the invention over the cited prior art. Applicant submits the cited prior art does not disclose, suggest or teach a mounting surface as clearly defined in new independent claims 35-37.

The prior art made of record but not relied upon has been reviewed and appears to be less pertinent to the claimed subject matter than the references cited by the Examiner. The remaining references do not teach nor suggest the structure set forth in the proposed claim

F. Precautionary Request for an Extension of Time

In the event the present filing is not timely filed, applicant request an Extension of Time for an

appropriate period of time. Please charge Deposit Account No. 06-2120 for the fees for any Extension of Time.

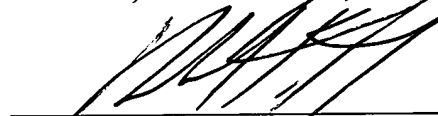
G. Additional Fees

Please charge Deposit Account No. 06-2120 for the fees for any additional claims, an Extension of Time, Citation of Prior Art, Petitions, Terminal Disclaimers or any other fee arising out of this correspondence.

Applicant verily believes that all claims are now in condition for allowance and favorable action is respectfully requested. The undersigned attorney of record cordially invites any telephonic communications from the examiner that may assist the examiner in the examination and to expedite the allowance and issuance of Letters Patent on the subject invention.

Respectfully submitted,

FRIJOUF, RUST & PYLE, P.A.



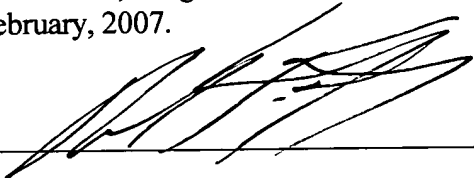
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